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January 13, 1993

Ms. Donna Searcy
Secretary of Federal
Communications Commission
1919 M Street, N.W.
Washington, D.C. 20054

Re: Redevelopment of Spectrum for Emerging Technologies
ET Docket No. 92-9

Dear Ms. Searcy:

Transmitted herewith on behalf of Telephone and Data Systems, Inc. are an original and 9 copies of its comments in response to the Commission's First Report and Order and Third Notice of Proposed Rulemaking in the above-captioned proceeding.

In the event that there are any questions concerning this matter, please communicate with the undersigned.

Very truly yours,


George Y. Wheeler

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
Redevelopment of Spectrum to)
Encourage Innovation in the)
Use of New Telecommunications)
Technologies)

ET Docket No. 92-9

To: The Commission

COMMENTS OF
TELEPHONE AND DATA SYSTEMS, INC.

Telephone and Data Systems, Inc., on behalf of itself and its subsidiaries (collectively "TDS"), by its attorneys, submits its comments in response to the Commission's First Report and Order and Third Notice of Proposed Rulemaking in the above-captioned proceeding.

As a licensee of more than three hundred 2 GHz common carrier point-to-point microwave radio stations, TDS is vitally concerned that any impairment or disruption to its operations on these frequencies be minimal and that there be no adverse economic impact from the sharing and relocation mandated under the Commission's rules.

We applaud the Commission for establishing in Section 21.50 of its rules the responsibilities for emerging technology service providers to guarantee payment of all relocation costs, to

complete all activities necessary for implementing new/alternative facilities, to build new microwave/alternative facilities to test these facilities for "comparability" and to remedy any deficiencies or pay to relocate the incumbent microwave licensee back to former 2 GHz frequencies. It is very important that these responsibilities be clearly articulated to simplify the issues before the parties in any proposed relocation and to encourage voluntary agreements.

The transition issues on which comment is requested here are equally important to the success of the Commission's proposed relocation program. It is essential that incumbent microwave licenses be assured that existing 2 GHz microwave frequency uses will not be subjected to undue disruption to system planning and operations.

We believe that the facilities of any incumbent microwave licensee should maintain primary status in the 2 GHz band for a minimum of ten years from the effective date of the Commission's Second Report and Order in this docket or a minimum two year period from grant of a license for an emerging technology service in the operating area of incumbent microwave licensee, whichever period expires last. This period of continued "primary" status is necessary because of the large number of our existing 2 GHz microwave links.

Negotiations for relocations of all or even a significant proportion of these three hundred facilities will take much time, require disproportionate staff resources, and upset system planning if it cannot be undertaken over an extended period. Particularly considering that the Commission could be authorizing hundreds or possibly thousands of new emerging technology licensees in the 2 GHz band, these negotiations could involve discussions with dozens of separate licensees at a minimum. The transition periods which we recommend are intended to permit incumbent microwave licensees to establish an administratively manageable distribution of workload for this important work so that systems operations and planning are not crippled.

We think adoption of our proposed transition schedule also will be beneficial by allowing time for incumbent microwave licensees voluntarily to relocate their 2 GHz links to higher spectrum i.e. when capacity limits or the design life of the equipment has been reached.¹ This is potentially the least costly and by far the least controversial "relocation" procedure possible and should be supported by the Commission here. In the event the Commission assumes responsibility for resolving disputed relocations, our proposed transition schedule will also be

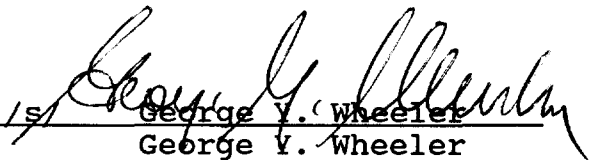
¹ The design life of Part 21 type approved 2 GHz point-to-point microwave equipment is typically ten years so that this schedule realistically could create incentives for substantial "voluntary" relocation.

beneficial by diminishing the Commission's workload involving disputed relocations.

We request that the Commission adopt the transition periods described here as a realistic and administratively fair means to avoid undue disruption to the operations of incumbent 2 GHz microwave licensees.

Respectfully submitted,

TELEPHONE AND DATA SYSTEMS, INC.

By /s/ 
George V. Wheeler
George V. Wheeler

January 13, 1992

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